



226529  
Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

ENTERED  
Office of Proceedings

March 3, 2010

MAR - 3 2010

Part of  
Public Record

**VIA E-FILING**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #100  
Washington, DC 20423-0001

**RE: Exempt Discontinuance of Service over a portion of the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa; STB Docket AB-33 (Sub-No. 248X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa Natural Heritage Foundation dated February 25, 2010 for an additional 180-day extension in which to complete negotiations for the acquisition under the provisions 16 U.S.C. §1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Bondurant Industrial Lead from Milepost 225.56 near Berwick, to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa. The Union Pacific is willing to continue negotiating with Iowa Natural Heritage Foundation concerning the acquisition of the subject property for trail use and supports the Council's request for an additional 180-day extension in which to negotiate. A copy of the Iowa Natural Heritage Foundation's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Sincerely yours,

Attachment

cc: Iowa Natural Heritage Foundation

226515



**IOWA  
NATURAL HERITAGE  
FOUNDATION**

Insurance Exchange Building  
Suite 444  
505 Fifth Ave.  
Des Moines, Iowa 50309

Phone: 515-288-1846  
Fax: 515-288-0137  
e-mail: [info@inhf.org](mailto:info@inhf.org)  
[www.inhf.org](http://www.inhf.org)

February 25, 2010

**FILED FILE WAIVED**

Anna K. Quinlan, Secretary  
Surface Transportation Board  
1925 "K" Street, NW  
Washington, D.C. 20423-0001

RE: Union Pacific Railroad Company Railroad Abandonment, Polk County in  
Iowa; Docket # AB-33 (Sub-No. 248X)

Dear Mrs. Quinlan:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Polk County Conservation Board, the City of Bondurant (public agencies), the Iowa Trails Council and the Iowa Natural Heritage Foundation (non-profit corporations), which are parties interested in conservation and recreation, and are hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 225.56 near Berwick and milepost 232.80 near Bondurant.

**A. Public Use Condition**

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting Union Pacific Railroad (UPRR) from disposing of the corridor, including tracks, ties and signal equipment, except for

2. **public use on reasonable terms.** The justification for this condition is that the corridor will connect two existing regional trails, The Chichaqua Valley Trail which begins in Bondurant and the Gay Lea Wilson Trail that connects to this line in Berwick. These trails are part of the Central Iowa Trail Loop. The corridor also provides important wildlife habitat and its preservation as a trail is consistent with the conservation efforts of the Four Mile Creek Greenbelt. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to complete negotiations with the railroad.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for trail purposes and future reactivation of rail service. The time period requested is 180 days from the effective date of the abandonment authorization in order to complete negotiations with the railroad.

#### **B. Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking and interim trail use. In addition to the public use conditions sought above, Commenter also makes the following statement:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY:** In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C.1247(d), and 49 C.F.R. 1152.29, Commenter is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by UP Railroad Company after transfer of the corridor to the public agencies.

The Polk County Conservation Board, City of Bondurant, the Iowa Trails Council Iowa and the Natural Heritage Foundation acknowledge that the use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

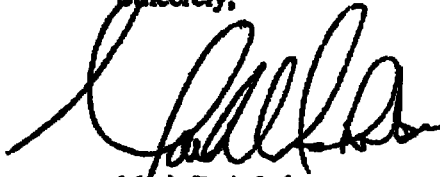
The property extends from milepost 225.56 near Berwick and milepost 232.80 near Bondurant, in Polk County, Iowa. The right-of-way is part of a line

of railroad proposed for abandonment in STB Docket No AB 33 (Sub No 248X). A map depicting the right-of-way is attached.

By my signature below, I certify service upon Union Pacific Railroad Company c/o Mack Schumate, Room 1920, 101 N. Whacker Drive, Chicago, IL 60606, by U.S. Mail, postage prepaid, first class, this 25<sup>th</sup> day of February, 2010 and via FAX number 312-777-2065.

On behalf of the Polk County Conservation Board, the City of Bondurant Iowa Trails Council and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

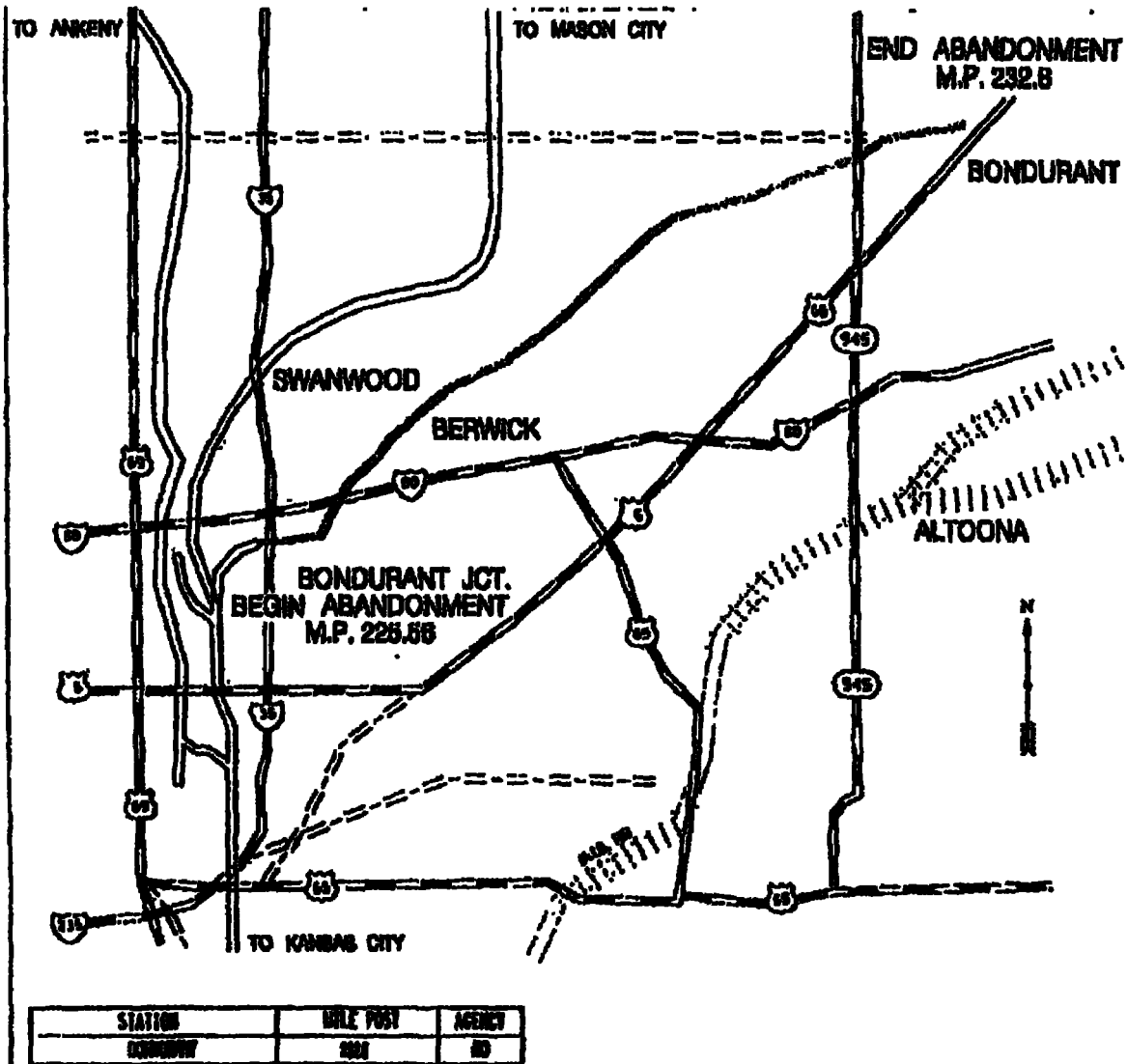
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Ackelson', written over a horizontal line.

Mark C. Ackelson  
President

cc: Polk CCB, City of Bondurant, Iowa Trails Council

# Attachment 1



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

## LEGEND

- RR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

## Bondurant Industrial Lead

M.P. 228.58 TO M.P. 232.80  
A TOTAL OF 4.22 MILES  
IN POLK COUNTY, IOWA

## UNION PACIFIC RAILROAD BONDURANT INDUSTRIAL LEAD

SCALE MILES

FILE: g:\abandonment\0533\_bondurant.dgn

DATE: 30 Nov-06 11:41